



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

**MICHELLE LEMOINE, L.P.N.**  
**License # 26NE01231500**

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER  
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Michelle LeMoine ("Respondent") is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about May 9, 2011, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2011 through May 31, 2013. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011," referring to the biennial renewal period of June 1, 2009 through May 31, 2011. Respondent answered "yes" to the question, and certified that answer to be true by submitting the online application.
3. On or about July 25, 2012, the Board sent Respondent a Demand for Written Statement Under Oath (Demand) requesting information from Respondent. The Demand

requested that Respondent provide answers to ten questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned during the renewal period of June 1, 2009 through May 31, 2011.

4. As to the question concerning continuing education, Respondent stated she completed the necessary hours. However, the attachments to her submission revealed that she completed 35 credits in the biennial renewal period of June 1, 2011 - May 31, 2013 and 32.19 credits in the biennial renewal period of June 1, 2007 - May 31, 2009, but no credits for the June 1, 2009 - May 21, 2011 biennial renewal period about which the Board inquired.

#### **CONCLUSIONS OF LAW**

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. Respondent completed 32.19 credits in the prior renewal period of which 2.19 credits she can carry over to the next period leaving her short of 27.81 credits. The Board finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems

professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Respondent may use 27.81 hours out of the 35 hours of continuing education completed on August 4, 2012 to cure the deficiency in her continuing education for the June 1, 2009 – May 31, 2011 biennial period. However, the hours used to cure the deficiency may not also be applied towards satisfaction of the current biennial period of June 1, 2011 – May 31, 2013. After curing the deficiency, Respondent has 7.19 hours to apply to the current biennial cycle.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 2, 2013 provisionally imposing a reprimand and a \$250.00 civil penalty. The order also provisionally required respondent to submit documentation of completion of an additional 23 hours of continuing education prior to May 31, 2013. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for

modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the order, forwarding payment of the \$250.00 civil penalty imposed by the order, and asking the Board to rescind its findings and conclusions, maintaining that her failure to complete continuing education requirements for the 2009-2011 renewal period was "an honest mistake." Respondent also sent in certificates of completion for thirty (30) contact hours of continuing education dated July 28, 2013. The Board notes that respondent's New Jersey nursing license has expired, but that she has nonetheless satisfied continuing education for the 2011-2013 renewal period, which she would have been required pursuant to N.J.A.C. 13:37-5.3 to have completed had she renewed her nursing license in 2013. The Board considered, however, that in light of respondent's failure to complete any continuing education whatsoever over a two year period, she knew or should have known that she was providing inaccurate information about continuing education on her renewal application in 2011. The Board therefore determined that the Provisional Order of Discipline should be made final, but that in light of the expiration of respondent's nursing license, the requirement that she submit additional continuing education was both no longer applicable.<sup>1</sup>

ACCORDINGLY, IT IS on this 27<sup>th</sup> day of September, 2013,  
ORDERED that:

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<sup>1</sup> It was also moot, in light of her submission of the documentation of thirty hours of continuing education.

1. Respondent is hereby reprimanded for her violation of N.J.S.A. 45:1-21 (b).
2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed upon Respondent for her violation of N.J.S.A. 45:1-21(e) and (h). Respondent has already paid this amount, and need take no further action with regard to payment.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN  
Patricia Murphy, PhD, APN  
Board President